

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-356-E - ORDER NO. 2008-825
DECEMBER 19, 2008

IN RE: Duke Energy Carolinas, LLC – Annual Plan)
 from 2005 - Present)
) ORDER GRANTING
) CONFIDENTIAL
) TREATMENT

This matter comes before the Public Service Commission of South Carolina (“Commission”) upon the Motion filed by Duke Energy Carolinas, LLC (“Duke Energy Carolinas”) to treat as confidential certain information filed with the Commission in the present docket. The requested confidential treatment pertains to specific material filed in the Company’s 2008 Annual Plan as confidential, including the entirety of its Appendix “C”, FERC Form 715 filing.

Pursuant to the Commission Order No. 2005-226, “Order Requiring Designation of Confidential Materials”, issued May 6, 2005, Duke Energy Carolinas delineates in its Motion the material for which the Company seeks confidential treatment and files such information in a separate package clearly marked “confidential.” According to Duke Energy Carolinas, the Company’s 2008 Annual Plan, specifically information in the tables contained on pages 136 through 139, contains confidential information that is proprietary and commercially sensitive, and if disclosed, could adversely affect the Company’s ability to provide least cost resources to its customers. Additionally, Duke Energy Carolinas requests the Commission treat the entirety of the Company’s most recent FERC Form 715 as confidential and protect it from public disclosure.

A review of the materials in question establishes that the materials do provide detailed information concerning Duke Energy Carolinas' Annual Plan and FERC Form 715 which are sensitive and contain "critical energy infrastructure information to be kept confidential and non-public."

The South Carolina Freedom of Information Act ("FOIA") allows exemption from disclosure proprietary business information that meets a definition of "trade secrets." S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: "(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation." We find that the information for which Duke Energy Carolinas seeks protection as confidential falls within this definition of materials which may be exempted from disclosure under FOIA.

Because the Commission finds that the information filed by Duke Energy Carolinas is proprietary and meets the definition of "trade secrets" as defined under FOIA, the Commission grants the Motion.

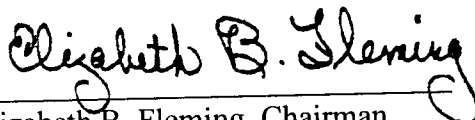
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. Confidential materials clearly delineated in its Motion and filed with the Commission by Duke Energy Carolinas, LLC, in its 2008 Annual Plan and FERC Form

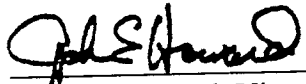
715 in this docket shall be declared confidential and shall be afforded confidential treatment and withheld from public disclosure.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)